

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES AMASH IMPORTS, INC.)

Plaintiff,)

v.)

ILLINOIS INDUSTRIAL TOOL, INC.;)

Defendant)

Case No. 1:09-CV-1039

HON. PAUL L. MALONEY

**CONSENT
JUDGMENT AND
PERMANENT INJUNCTION**

Plaintiff Charles Amash Imports, Inc., d/b/a Grand Rapids Industrial Products (hereinafter “GRIP”) and Defendant Illinois Industrial Tool, Inc. (“IIT”) having resolved the dispute between them in this civil action hereby consent and agree to entry of judgment as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. This is an action in law and equity for patent infringement arising out of IIT’s infringement of GRIP’s U.S. Patent No. D588,291 (“the ‘291 Patent”) in violation of the patent laws of the United States, 35 U.S.C. §§ 271, 281-285 and 289.

2. Charles Amash Imports, Inc. is a corporation of the state of Michigan, doing business as Grand Rapids Industrial Products, and has a principal place of business at 4628 Amash Industrial Drive, Wayland, Michigan 49348.

3. Illinois Industrial Tools, Inc. is a corporation of the state of Illinois, doing business as JMK-IIT, Inc., and has a principal place of business at 8811 South 77th Avenue, Bridgeview, Illinois 60455.

4. This Court has subject matter jurisdiction over the issues set forth in this Civil Action and personal jurisdiction over GRIP and IIT.

5. Venue properly lies in this Court to adjudicate the issues set forth in this Civil Action.

6. GRIP is the owner of all rights throughout the United States of America to U.S. Patent No. D588,291 (hereafter “the ‘291 patent”).

7. GRIP’s rights referred to herein at paragraph 6 hereinabove are good and valid in law and equity.

8. By offering for sale and selling at least hanging flashlights designed as IIT product numbers 93205, 93206, and 93206A, IIT has infringed GRIP’s rights referred to in paragraph 6 hereinabove, in violation of 35 U.S.C. §§ 271, 281-285, and 289.

9. IIT, its officers, directors, agents, servants, employees, privies, successors, assigns, and all persons in active concert or participation with them who receive actual notice by personal service or otherwise, shall be and they are hereby and forever restrained and enjoined in all states of the United States (a) from importing, exporting, distributing, offering for sale, selling, manufacturing, using, or advertising any product that infringes the ‘291 patent (hereinafter “infringing products”) including, but not limited to, IIT product #93205, #93206, and 93206A; and (b) from inducing others to infringe the ‘291 patent, or contributing to the infringement of the ‘291 patent.

10. Each party is to bear its own costs and attorneys' fees incurred in this action.


11. This Court will retain jurisdiction for the purpose of enforcing the terms of this Consent Judgment and Permanent Injunction.

12. In the event GRIP enforces the terms of this Consent Judgment and Permanent Injunction, IIT agrees to a preliminary injunction while such enforcement proceeding is pending; and in the event GRIP prevails in such enforcement proceeding, IIT will pay to GRIP liquidated damages of \$100,000 and GRIP's attorneys' fees and costs.

Dated: March 15, 2010

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

Dated: 2-28-10

CHARLES AMASH IMPORTS, INC.

Its: President

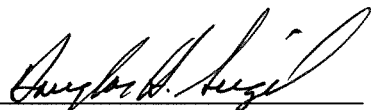
Dated: 2/24/10

ILLINOIS INDUSTRIAL TOOL, INC.

Its: President

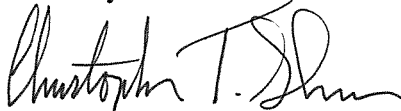
APPROVED AS TO FORM AND CONTENT

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